

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 APR -1 AM 11:09

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel VASQUEZ-Juarez,

Defendant

Magistrate Docket No.

08 MJ 0993

COMPLAINT FOR VIOLATION OF:

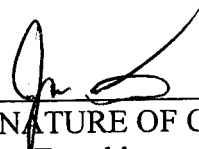
Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **March 29, 2008** within the Southern District of California, defendant, **Miguel VASQUEZ-Juarez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF APRIL,
2008.


Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel VAZQUEZ-Juarez

PROBABLE CAUSE STATEMENT


I declare under the penalty of perjury that the following statement is true and correct:

On March 29, 2008, Border Patrol Agent A. Gonzalez was performing line watch duties for the Imperial Beach Border Patrol Station in an area known as, "E-4". "E-4" is approximately one and one-half miles east of the San Ysidro, California Port of Entry and approximately eighty yards north of the United States/Mexico International Border Fence. This area is commonly used by illegal aliens to further their entry into the United States. At approximately 3:15 P.M., Agent Gonzalez observed three individuals moving north from "E-4" towards an area of dense brush. Agent Gonzalez responded and after a brief search he discovered twelve individuals including one later identified as defendant **Miguel VASQUEZ-Juarez**. Based on his observations, the proximity to the border, and the individuals' actions, Agent Llamas decided to perform an immigration inspection on all twelve individuals. Agent Llamas identified himself as a Border Patrol Agent and questioned each of the individuals individually as to their citizenship. Each subject, including the defendant, individually freely admitted to being a citizen of Mexico who did not possess any immigration documents that allowed them to legally enter or remain in the United States. At 3:20 P.M., all of the subjects including the defendant were placed under arrest and transported to the Imperial Beach Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 23, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on March 31, 2008 at 9:00 am.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 29, 2008, in violation of Title 8, United States Code, Section 1326.


Anthony J. Battaglia
United States Magistrate Judge

3/31/08 10:30pm